

No. 14947

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United States  
Court of Appeals  
for the Ninth Circuit

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JOHN FOSTER DULLES, as Secretary of State,  
Appellant,  
vs.  
TAM SUEY JIN, Appellee.

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Transcript of Record

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Appeal from the United States District Court for the Southern  
District of California, Central Division

FILED

FEB 23 1956

PAUL P. O'BRIEN, CLERK



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in *italic*; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in *italic* the two words between which the omission seems to occur.]

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## NAMES AND ADDRESSES OF ATTORNEYS

### Attorneys for Appellant:

LAUGHLIN E. WATERS,  
United States Attorney,

MAX F. DEUTZ,  
Assistant United States Attorney,  
Chief, Civil Division,

JAMES R. DOOLEY,  
Assistant United States Attorney,  
600 Federal Building,  
Los Angeles 12, California.

### Attorney for Appellee:

KATHLEEN PARKER,  
350 North Sycamore Avenue,  
Los Angeles 36, California.





In the District Court of the United States for the  
Southern District of California, Central Division

No. 14894-C

TAM SUEY JIN,

Plaintiff,

vs.

DEAN ACHESON, as United States Secretary of  
State, Defendant.

PETITION TO ESTABLISH NATIONALITY  
OF THE UNITED STATES PURSUANT  
TO SECTION 903, TITLE 8, U.S.C.A.

Comes now the plaintiff above named, by and  
through her guardian ad litem, Tam Tong Gong,  
and for cause of action alleges as follows:

I.

That the plaintiff was born on April 28, 1941  
(CR 30-4-3) in Chen Wah Village, Toi-Shan,  
China.

II.

That plaintiff is the daughter of Tam Tong Gong,  
a citizen of the United States, now residing in Los  
Angeles, California; that said Tam Tong Gong was  
married to Lee Shee in Lung Hong Village, Toi-  
Shan, China, on or about April 21, 1920 (CR  
9-3-3); that plaintiff is the lawful issue of said  
marriage; that Tam Tong Gong was a citizen of  
the United States at the time of plaintiff's birth  
and has lived and resided in the United States since

May 17, 1923, and was admitted to the United States by the United States Immigration and Naturalization Service as a citizen of the United States; that plaintiff's father, **Tam Tong Gong** resides in the City of Los Angeles, County of Los Angeles, State of California; that plaintiff claims residence in said City of Los Angeles, State of California, the home of plaintiff's father and in the jurisdiction of this Court; that because of her birth as above alleged, plaintiff claims to be a citizen of the United States pursuant to Section 1993, Revised Statutes of the United States, and entitled to the rights and privileges of a citizen of the United States, including the right to enter and remain in the United States as a citizen thereof.

### III.

That plaintiff heretofore filed an application for an American passport or other travel document as a citizen of the United States with the American Consulate General at Hong Kong, China, an agency of the United States State Department, and under the jurisdiction, management and direction of defendant, Dean Acheson, Secretary of State of the United States, for the purpose of traveling to the United States to join her father, **Tam Tong Gong**, at the family home provided by her said father in Los Angeles, California; that the American Consulate General at Hong Kong has refused to issue to plaintiff the passport applied for, thereby denying plaintiff's American citizenship and her rights and privileges as a citizen of the United States.

## IV.

That plaintiff has at all times herein mentioned claimed and now claims the right and privilege as a national of the United States of America to enter, stay and remain and reside permanently in the United States as a citizen thereof, but that the said defendant has denied and continues to deny such rights and privileges to the plaintiff upon the ground that she is not a national of the United States.

## V.

That plaintiff having been denied her rights as hereinabove alleged, now brings this action in good faith pursuant to the provisions of Section 903, Title 8, U.S.C.A., also known as Section 503 of the Nationality Act of 1940.

Wherefore, plaintiff respectfully prays that judgment of this Honorable Court be entered declaring her to be a national of the United States and entitled to the rights and privileges of a citizen of the United States, and for such other and further relief as to the Court may seem just and proper.

/s/ TAM TONG GONG,

Guardian for Plaintiff, Tam  
Suey Jin, a Minor

[Endorsed]: Filed December 22, 1952.

[Title of District Court and Cause.]

## ANSWER

Comes Now the defendant, Dean Acheson, as United States Secretary of State, by and through his attorneys, Walter S. Binns, United States Attorney for the Southern District of California, Clyde C. Downing and Leila F. Bulgrin, Assistants United States Attorney for the Southern District of California, and in answer to plaintiff's petition on file herein, admits, denies and alleges as follows:

### I.

Answering Paragraph I, the defendant alleges he is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in said Paragraph, and therefore denies generally and specifically every part thereof.

### II.

Answering Paragraph II, the defendant denies that Tam Tong Gong was at any time a citizen of the United States, or that he was admitted to the United States at any time as a citizen by the United States Immigration and Naturalization Service.

Further answering Paragraph II, the defendant alleges that he is without knowledge or information sufficient to form a belief as to the truth or falsity of all other allegations contained in said Paragraph, and therefore denies generally and specifically the same and every part thereof.

III.

Answering Paragraphs III, IV and V, the defendant denies generally and specifically each and every allegation contained therein.

Further answering said Paragraphs, defendant denies that the plaintiff is, or ever has been, a citizen of the United States, or entitled to any rights or privileges as such.

For a Further, Second and Separate Defense to Plaintiff's Petition, Defendant Alleges:

I.

The petition of plaintiff herein fails to state a claim upon which relief can be granted.

Wherefore, defendant prays for a judgment dismissing said petition and denying the relief prayed for therein.

WALTER S. BINNS,  
United States Attorney

CLYDE C. DOWNING,  
Assistant U. S. Attorney, Chief  
of Civil Division

/s/ LEILA F. BULGRIN,  
Assistant U. S. Attorney,

Attorneys for Defendant

Affidavit of Service by Mail attached.

[Endorsed]: Filed April 8, 1953.

[Title of District Court and Cause.]

NOTICE OF MOTION TO DISMISS; MOTION  
TO DISMISS; AND AFFIDAVIT OF  
JAMES R. DOOLEY

Notice of Motion to Dismiss

To the Plaintiff above named and to Kathleen  
Parker, his Attorney:

You and Each of You Will Please Take Notice  
that the defendant above-named, by and through  
the undersigned, will bring the following Motion  
to Dismiss under Rule 12(b) (1) (6) and 12 (h),  
Federal Rules of Civil Procedure, on for hearing  
before the above entitled Court in the Courtroom  
of the Hon. Harry C. Westover, United States  
District Judge, in the United States Post Office  
and Court House Bldg., 312 North Spring Street,  
Los Angeles, California, on Monday the 13th day  
of June, 1955, at 10:00 o'clock in the forenoon of  
that day, or as soon before or as soon thereafter as  
counsel can be heard.

Dated: This 1st day of June, 1955.

LAUGHLIN E. WATERS,  
United States Attorney

MAX F. DEUTZ,  
Assistant U. S. Attorney, Chief  
of Civil Division

/s/ JAMES R. DOOLEY,  
Assistant U. S. Attorney,  
Attorneys for Defendant



## Motion to Dismiss

Defendant above named, by and through the undersigned, moves the Court to dismiss the within action pursuant to Rule 12(b) (1) (6) and Rule 12 (h), Federal Rules of Civil Procedure, on the following grounds:

1. This Court lacks jurisdiction over the subject matter of the instant action.

2. The Complaint on file herein fails to state a claim upon which relief can be granted.

This Motion is based upon, and will be presented upon, the affidavit of James R. Dooley, attached hereto as Exhibit A, the certified passport file of Tam Suey Jin, which will be offered in evidence when this Motion comes on for hearing, a certified statement prepared by the Department of State concerning the processing of applications in Hong Kong, B.C.C., which will be offered in evidence when this Motion comes on for hearing, these Motion papers and Memorandum of Points and Authorities in Support thereof, together with all the records, files, pleadings, papers and documents on file herein.

Dated: This 1st day of June, 1955.

LAUGHLIN E. WATERS,

United States Attorney

MAX F. DEUTZ,

Assistant U. S. Attorney, Chief  
of Civil Division

/s/ JAMES R. DOOLEY,

Assistant U. S. Attorney,

Attorneys for Defendant

## EXHIBIT A

## Affidavit of James R. Dooley

United States of America,  
Southern District of California—ss.

James R. Dooley, being first duly sworn, deposes and says:

1. That he is an Assistant United States Attorney in the office of Laughlin E. Waters, United States Attorney for the Southern District of California, and as such is in charge of the files in said office pertaining to the above-captioned matter.

2. That among the aforementioned files of which affiant is in charge are certain documents, duly certified under seal of the Department of State constituting the passport file in the case of Tam Suey Jin, plaintiff herein.

3. That said passport file in the case of Tam Suey Jin discloses the following:

(a) That on May 6, 1952, plaintiff executed an application for passport before Frank J. Haughey, Vice Consul of the United States at Hong Kong, B.C.C. in which she claimed to be a citizen of the United States, and in which she sought a passport to travel to the United States.

(b) That on July 13, 1954, Imogene E. Ellis, American Vice Consul at Hong Kong, B.C.C. recommended that the Department of State disapprove plaintiff's application for passport, and that on July 15, 1954, said recommendation was concurred in by Gilda R. Duly, American Vice Consul.



(c) That by Cable No. A-184, dated September 23, 1954, the Passport Office, Department of State, instructed the American Consulate General, Hong Kong, B.C.C. that the passport application of plaintiff was disapproved.

(d) That said passport file does not show a disapproval of plaintiff's application for passport prior to September 23, 1954.

/s/ JAMES R. DOOLEY

Subscribed and Sworn to before me this 2nd day of June, 1955.

[Seal] JOHN A. CHILDRESS,  
Clerk, U. S. District Court, Southern District of  
California.

/s/ By [Illegible], Deputy

[Endorsed]: Filed June 2, 1955.

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[Title of District Court and Cause.]

### MINUTES OF THE COURT

Tam Hem Fook vs. Dulles, Sec'y of State, No. 14,293-HW-Civil; Tam Suey Jin vs. Dulles, Sec'y of State, No. 14,894-HW-Civil; Tam Hem Wing vs. Dulles, Sec'y of State, No. 14,895-HW-Civil. (Consolidated for Trial.)

Date: June 2, 1955, at Los Angeles, Calif.

Present: Hon. Harry C. Westover, District Judge; Deputy Clerk: Mary O. Smith; Reporter:

S. J. Trainor; Counsel for Plaintiff: Kathleen Parker; Counsel for Defendant: James R. Dooley, Ass't U. S. Att'y.

Proceedings: For trial. It is Ordered that these three causes be Consolidated for trial.

Lily L. Chan is sworn and acts as Chinese Interpreter, and is called, sworn, and testifies on examination by counsel for defendant.

Tam Tong Gong is called, sworn, and testifies for plaintiffs through said interpreter.

Plfs' Ex. 1, 2, 3, and 4 are admitted in evidence. It Is Ordered that Ex. 1 and 2 may be returned to defendant at conclusion of the case.

Counsel enter into certain stipulation.

Plfs' Ex. 5 is admitted in evidence.

Plfs' Ex. 2-A and 2-B are admitted in evidence, being part of Ex. 1.

Pltfs' Ex. 6, 7, and 8 are admitted in evidence.

At 10:55 a.m. court recesses. At 11:05 a.m. court reconvenes herein, and all being present as before.

Hom Cheung is called, sworn, and testifies for plaintiff through said interpreter. Tom Bing Hong is called, sworn, and testifies for plaintiffs.

At noon court recesses. At 2 p.m. court reconvenes herein, and all being present as before, including counsel for both sides;

Toi Lun Tom is called, sworn, and testifies for plaintiffs through said interpreter. Plfs' Ex. 9 is admitted in evidence, and it is ordered that said exhibit may be withdrawn by defendant at conclusion of trial.

Hom Cheung, plaintiffs' witness, heretofore

sworn, is recalled on examination and testifies through said interpreter.

Deft's Ex. A and B are admitted in evidence.

At 3:05 p.m. court recesses. At 3:15 p.m. court reconvenes herein, and all being present as before, including counsel for both sides;

Counsel on behalf of defendant presents in Case No. 14,894-HW motion to dismiss. Court Orders said motion filed, and Further Orders said motion to dismiss Denied.

Deft's Ex. C is admitted in evidence as to Case No. 14,894-HW Civil.

Tam Tong Gong, plaintiff's witness, is recalled on examination by def't.

Both sides rest.

Court makes a statement and Finds in favor of plaintiffs and against defendant; counsel for plaintiffs to prepare findings of fact, conclusions of law and judgment accordingly.

JOHN A. CHILDRESS,  
Clerk

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[Title of District Court and Cause.]

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above entitled cause came on regularly to be heard in the above entitled Court on June 2, 1955, before the Honorable Harry C. Westover, Judge Presiding, Kathleen Parker appearing as attorney

for the plaintiff, Tam Suey Jin, and Laughlin E. Waters, United States Attorney, and Max F. Deutz, Assistant United States Attorney, by James R. Dooley, Assistant United States Attorney, appearing as attorneys for defendant John Foster Dulles, Secretary of State of the United States of America; and evidence, both oral and documentary, having been introduced and the cause having been argued and submitted for decision, the Court now makes its findings of fact and conclusions of law as follows:

### Findings of Fact

#### I.

That plaintiff, Tam Suey Jin, was born on April 28, 1941 (CR 30-4-3) in Chew Wah Village, Toi-Shan, China.

#### II.

That plaintiff's father is Tam Tong Gong; that said Tam Tong Gong is a citizen of the United States; that plaintiff's mother is Lee Shee, now deceased; that plaintiff's father, Tam Tong Gong, married said Lee Shee in Lung Hong Village, Toi-Shan, China, on April 21, 1920 (CR 9-3-3); that plaintiff is the lawful issue of said marriage; that plaintiff's father, Tam Tong Gong, was a citizen of the United States at the time of the birth of plaintiff, Tam Suey Jin, and that said Tam Tong Gong lived and resided in the United States from a time prior to the date of plaintiff's birth; that plaintiff's place of residence is Los Angeles, County of Los Angeles, State of California.

## III.

That defendant John Foster Dulles is the duly qualified Secretary of State of the United States of America and is executive head of the United States Department of State and of the United States Consular Service.

## IV.

That plaintiff, Tam Suey Jin, has at all times herein mentioned claimed to be a citizen and national of the United States of America, and claimed the right to enter, stay, remain and reside permanently in the United States as a national and citizen thereof; that on May 6, 1952, plaintiff, Tam Suey Jin, executed and filed with the American Consul at Hong Kong, B.C.C., China, an application for an American passport; that prior to the date of the filing of the complaint herein no action had been taken by the American Consul on said application; that the delay in acting thereon was unreasonable and the failure to act on said passport application within a reasonable time was a denial of plaintiff's rights and privileges as a national and citizen of the United States by defendant through his agents and subordinates.

## Conclusions of Law

Upon the foregoing findings of fact, the Court concludes:

## I.

That Tam Suey Jin is, and since her birth on



April 28, 1941 (CR 30-4-3) has been, a national and citizen of the United States of America.

The clerk is ordered to enter judgment.

Dated: June 24, 1955.

/s/ HARRY C. WESTOVER,  
United States District Judge

Acknowledgment of Service attached.

[Endorsed]: Filed June 24, 1955.

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In the United States District Court, Southern District of California, Central Division

No. 14894-HW

TAM SUEY JIN, Plaintiff,

vs.

JOHN FOSTER DULLES, as Secretary of State,  
Defendant.

JUDGMENT DETERMINING AMERICAN  
CITIZENSHIP

The above entitled matter having come on for trial on June 2, 1955, before the Honorable Harry C. Westover, Judge Presiding, Kathleen Parker appearing as attorney for plaintiff, and Laughlin E. Waters, United States Attorney, and Max F. Deutz, Assistant United States Attorney, by James R. Dooley, Assistant United States Attorney, appearing as attorneys for defendant, the said defendant having filed an answer to the complaint, and

the Court having heard the testimony of the witnesses and considered the evidence, both oral and documentary, together with arguments of counsel for the respective parties, and being fully advised in the premises and having made its findings of fact and conclusions of law,

It Is Hereby Ordered and Adjudged that Tam Suey Jin, the plaintiff herein, is a national and citizen of the United States of America.

Dated: June 24, 1955.

/s/ HARRY C. WESTOVER,  
United States District Judge

Acknowledgment of Service attached.

[Endorsed]: Filed and Entered June 24, 1955.

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[Title of District Court and Cause.]

### NOTICE OF APPEAL

Notice is hereby given that John Foster Dulles, as Secretary of State, defendant above named, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the final judgment entered in this action on June 24, 1955.

Dated: This 22 day of August, 1955.

LAUGHLIN E. WATERS,  
United States Attorney  
MAX F. DEUTZ,  
Assistant U. S. Attorney, Chief  
Civil Division

JAMES R. DOOLEY,  
Assistant U. S. Attorney  
/s/ JAMES R. DOOLEY,  
Assistant U. S. Attorney,  
Attorneys for Defendant

[Endorsed]: Filed August 22, 1955.

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[Title of District Court and Cause.]

### STIPULATION REGARDING EXHIBITS

It Is Hereby Stipulated, by and between the parties hereto, through their respective counsel, that the exhibits received in evidence in this cause may be considered in their original form by the United States Court of Appeals for the Ninth Circuit in connection with the pending appeal, and need not be printed.

Dated: This 8th day of November, 1955.

/s/ KATHLEEN PARKER,  
Attorney for Plaintiff  
LAUGHLIN E. WATERS,  
United States Attorney  
MAX F. DEUTZ,  
Assistant U. S. Attorney, Chief  
Civil Division  
/s/ JAMES R. DOOLEY,  
Assistant U. S. Attorney,  
Attorneys for Defendant

[Endorsed]: Filed November 10, 1955.



[Title of District Court and Cause.]

### CERTIFICATE OF CLERK

I, John A. Childress, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing pages numbered 1 to 26, contain the original

Petition to Establish Nationality of the United States;

Petition of Tam Tong Gong for Appointment of Guardian, etc.;

Order Appointing Guardian Ad Litem;

Answer;

Findings of Fact and Conclusions of Law;

Judgment Determining American Citizenship;

Notice of Appeal;

Order Extending Time Within Which to Docket Appeal;

Designation of Record on Appeal;

Stipulation Regarding Exhibits; and a full, true and correct copy of the Minutes of the Court for June 2, 1955, which, together with one volume of reporter's transcript of proceedings for June 2, 1955; and the original plaintiff's exhibits 1-9, inclusive and defendant's exhibits A-C, inclusive, in the above-entitled cause, constitute the transcript of record on appeal to the United States Court of Appeals for the Ninth Circuit, in said cause.

I further certify that my fees for preparing the foregoing record amount to \$2.00, which sum has not been paid by appellant.

Witness my hand and the seal of said District Court, this 16th day of November, 1955.

[Seal]                      JOHN A. CHILDRESS,  
Clerk

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In the United States District Court, Southern District of California, Central Division

[Title of Causes 14293-14894-14895.]

TRANSCRIPT OF PROCEEDINGS  
(Portion)

Los Angeles, Calif., Thursday, June 2, 1955

Honorable Harry C. Westover, Judge presiding.

\* \* \* \* \*

Miss Parker: If the court please, I would like to introduce in evidence the passport files in these cases.

Mr. Dooley: Your Honor, in that connection, we have a situation where it is advantageous to introduce the files, so the plaintiff introduces them. Otherwise, when we seek to get them introduced, they are refused.

The Court: Do you want to introduce them? I don't care who introduces them.

Mr. Dooley: It is stipulated. No objection, your Honor.

The Court: Do you want them introduced as a defendant's exhibit?

Mr. Dooley: I would like to be able to withdraw them.

The Court: I will make an order they can be withdrawn regardless of whether they are introduced as a plaintiff's or defendant's exhibit.

Mr. Dooley: Yes, your Honor.

The Court: At the conclusion of the trial. They may now be received in evidence as Plaintiffs' Exhibits 1 and 2.

(The exhibits referred to were received in evidence and marked as Plaintiffs' Exhibits 1 and 2.)

[Plaintiff's Exhibit 1 set out at pages 23-57.]

\* \* \* \* \*

Mr. Dooley: Before I begin cross examination, I would like to make a motion to dismiss. I have it to file. I believe counsel will stipulate it can be heard today.

The Court: Is that the same sort of motion you have been filing in all these cases?

Mr. Dooley: Yes, your Honor.

The Court: It may be filed and denied on the same grounds, Mr. Dooley.

Mr. Dooley: In support of the motion, I would like to offer in evidence a statement concerning the processing of passport applications in Hong Kong.

Miss Parker: I object, your Honor.

The Court: Objection overruled. It may be received.

Mr. Dooley: This is in just one case, your Honor, 14894. In this case, the application was filed in May of 1952.

The Court: And no action was taken until the case was filed?

Mr. Dooley: There was some action. I believe the plaintiff's exhibit in evidence will show the action taken between the time of the filing.

The Court: Did they deny the application before filing of the complaint?

Mr. Dooley: No, your Honor.

The Court: When was the complaint filed?

Mr. Dooley: It was filed in December.

The Court: The government had from May to December to act upon this application.

Mr. Dooley: Yes, your Honor.

Miss Parker: I was going to add, if the court please, that the affidavits are executed within about two months of each other and filed within two months, and attached to the affidavit was a letter from me, and they don't like my letters, apparently, because they aren't ever in the file, in which I asked that they consolidate the cases and hear them all together. The two boys' cases were denied in, I believe, May 1952, and they had the affidavit in 1951 for the girl and they were asked to please hear all of them together.

The Court: The motion to dismiss is denied.

Mr. Dooley: I would like to substitute a photostatic copy. I would like to offer the statement regarding the processing of applications.

The Court: It may be received in evidence and the order is the original may be withdrawn and a photostatic copy substituted.

The Clerk: Exhibit C.

(The document referred to was received in evidence and marked Defendant's Exhibit C.)

[See pages 58-69.]

\* \* \* \* \*

[Endorsed]: Filed November 14, 1955.

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PLAINTIFF'S EXHIBIT No. 1  
APPLICATION FOR PASSPORT  
(Form for Native Citizen)  
Sec. 138.81473 Hong Kong/549

Passport Issued: File Instr. 9/23/54 TW.

I, Tam Suey Jin, a Native citizen of the United States, solemnly swear that I was born at Chew Wah Lee, Toishan, Kwangtung, China, on CR 30-4-3 (4-28-41); that I am now residing at 31 Wing Wo St., 1st fl. Hong Kong, that I resided continuously in the United States from \* \* \* and that I have resided outside the United States as follows: China and Hong Kong from birth to present.

My legal residence is unknown and I intend to return to the United States to reside permanently, within as soon as possible.

\* \* \* \* \*

My father, Tam Tong Gong, was born at Lung Hong Lee, Toishan on (unknown) (age 49) and is now residing at: U. S. A.

My mother, Lee Shee, was born at unknown, on unknown and now residing at: deceased in CR 36.



My father emigrated to the United States on or about: unknown; resided continuously in the United States from: visited China in CR 37 \* \* \*.

My mother emigrated to the United States on or about: Never. \* \* \*

I have not been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered, or served in, the armed forces of a foreign state; accepted, or performed the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war, or of committing any act of treason against or of attempting by force to overthrow, or of bearing arms against the United States.

If any of the above mentioned acts or conditions are applicable to the applicant's case, a supplementary statement under oath should be attached and made a part hereof.

I solemnly swear that the statements made on pages 1 and 2 are true, and that the photograph attached is a likeness of me.

Plaintiff's Exhibit No. 1—(Continued)

Oath of Allegiance

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

/s/ [Chinese characters]

TAM SUEY JIN

(Signature in full of applicant)

/s/ [Chinese characters]

TAM HEM WING (brother)

Duly sworn to before me this 6th day of May, 1952.

/s/ FRANK J. HAUGHEY,

Vice Consul of the United States  
at Hong Kong

Fee for passport, \$9.00. Fee for administering oath and preparing passport application, \$1.00. No fee for registration. Service No. 6501.

American Foreign Service Fee Stamp, \$1.00.  
Stamped: May 7, 1952, Hong Kong.

[Photograph of applicant attached.]

Description of Applicant

Height: 4 feet 8 inches. Hair: black. Eyes: brown. Distinguishing marks or features: a scar behind right cheek.

Place of birth: Chew Wah Lee, Toishan.

## Plaintiff's Exhibit No. 1—(Continued)

Date of birth: CR 30-4-3 (4-28-41).

Occupation: None.

## Evidence of Citizenship and Identifying Documents

\* \* \* \* \*

Other evidence of citizenship and identifying documents submitted, as specified below: Father's affidavit, copy retained in files.

The following should be filled in if this application is for a Passport:

Countries to be visited: U.S.A.

Port of departure: Hong Kong.

Purpose of visit: Permanent residence.

Date of departure: As soon as possible.

Affidavit to be executed by a person born abroad of an American parent who is applying for the first time for a Passport or Registration (To be used in lieu of Form No. 213 as authorized by the Department of State in A-340, dated January 20, 1951.)

I, Tam Suey Jin, solemnly swear that I was born in China and have since resided in China or in foreign colonies adjacent thereto at the following addresses:

Place: Chew Wah Lee, Toishan; period of residence: Birth—March 16, 1952.

Place: Hong Kong; period of residence: March 16, 1952—now.

During this period I have attended the following schools: Never attended school.



## Plaintiff's Exhibit No. 1—(Continued)

During this period I have had the following occupations: None.

I now desire to proceed to the United States, where I expect to reside at—unknown—with Tam Tong Gong, who is my father. The evidence presented by me to establish my American citizenship was obtained for me by Tam Tong Gong, whose address is unknown, and who is my father.

I have the following brothers and sisters:

1. Tam Hem Toi; date and place of birth: unknown; marital status: unknown; present address: joined army.

2. Tam Hem Wing; date and place of birth: unknown, Lung Hong Lee; marital status: single; present address: Hong Kong.

3. Tam Hem Fook; date and place of birth: unknown, Lung Hong Lee; marital status: single; present address: Hong Kong.

4. Tam Suey Jin; date and place of birth: CR 30-4-3 (4-28-41), Chew Wah Lee.

\* \* \* \* \*

/s/ [Chinese characters]

TAM SUEY JIN (Signature)

/s/ [Chinese characters]

TAM HEM WING (brother)

Subscribed and sworn to before me, Frank J. Haughey, Vice Consul of the United States of

## Plaintiff's Exhibit No. 1—(Continued)

America in and for the consular district of Hong Kong, duly commissioned and qualified, this 6th day of May, 1952.

/s/ FRANK J. HAUGHEY,  
Vice Consul of the United  
States of America

Department of State Instruction      2073  
No.: A-184, September 23, 1954.      Unclassified

Subject: Citizenship—Hong Kong despatch No. 120, dated July 20, 1954.

To: The American Consulate General, Hong Kong.

Passport applications in following names disapproved on ground that identity of applicants has not been established: Der Wah On, Der On Wai, Lee Gat Chew, Lee Shew Way, Tam Suey Jin, including Der Mee Lai.

Passport applications in following names disapproved on ground that available evidence indicates that applicants are not persons they purport to be: Lee Shew Lan, Sue Young May.

It is noted that person claiming to be Sue Young May, mentioned above, insists that she is true daughter of alleged father, despite blood-type evidence, although she has withdrawn application.

Following cases will be subjects of separate communications: Chow Kai Mon, Lee Sing Fook.

Cases transmitted under cover of despatch under reference with recommendations for approval are subjects of individual instructions.

Plaintiff's Exhibit No. 1—(Continued)

Department is taking appropriate action on passport applications transmitted as abandoned with despatch under reference.

Smith (Acting)

138.81473 Hong Kong/549

Approved by: R. B. Shipley, Director, Passport Office.

Drafted by: PD:TFWaterman:la 9/21/54.

American Consulate General, Hong Kong

OPINION OF CONSULAR INVESTIGATION

July 13, 1954

I. Opinion and Recommendation of Examining Officer

In view of the circumstances described in the attached Report of Consular Investigation, it is my opinion that the identity of the person purporting to be TAM Suey Jin has not been established. I therefore recommend that the Department disapprove her passport application.

/s/ Imogene E. Ellis,  
American Vice Consul

July 15, 1954

II. Decision of Reviewing Officer

I concur in the above recommendation.

/s/ Gilda R. Duly,  
American Vice Consul

Plaintiff's Exhibit No. 1—(Continued)  
American Consulate General, Hong Kong,  
July 13, 1954

REPORT OF CONSULAR INVESTIGATION

Passport application of TAM Suey Jin; executed:  
May 6, 1952.

I. Basis of Claim:

TAM Suey Jin, born April 28, 1941, claims to have derived American citizenship under the Act of May 24, 1934 by birth abroad of an American citizen, TAM Tong Gong, whose claim to American citizenship is also derivative.

II. Documentary Evidence:

1. Affidavit on behalf of her claim executed by the alleged father at Los Angeles on November 12, 1951.

On March 3, 1954, the alleged father was requested by letter to submit reliable evidence of the claimed relationship, but, to date, nothing further has been received.

III. Family Background:

The applicant is the youngest child of a family of three sons and one daughter. The oldest son joined the army, date not given, and his whereabouts is not known. The other two brothers are in Hong Kong. They were refused documentation at this office in May, 1952, on the grounds that investigations conducted by this office revealed that they were not in fact related to one another. The alleged father has three brothers, all of whom are

## Plaintiff's Exhibit No. 1—(Continued)

in the United States. Nothing is known about their families. The applicant was not able to give the birthdates of her brothers. The alleged mother is deceased.

TAM Tong Gong was first admitted into the United States at Seattle on May 23, 1923. At that time he reported his marriage to Lee Shee and the birth of his oldest son. He made three subsequent journeys to China during which time all the children claimed could have been born. Lee Shee reportedly died in 1947 and TAM Tong Gong married a second time to Au Shee on October 28, 1948.

## IV. Consular Investigation:

The results of blood type determinations of the applicant, her alleged father and alleged two older brothers show compatibility.

Father: TAM Tong Gong, group A, type M.

Daughter: TAM Suey Jin, group A, type MN.

Son: TAM Hem Wing, group O, type M.

Son: TAM Hem Fook, group A, type MN.

## 2. Radiological Examinations.

The results of radiological examinations of the applicant and her alleged brothers indicate that they could all be about the age claimed.

## 3. Immigration and Naturalization Service Reports.

Reports from the Immigration and Naturalization Service at San Pedro, Los Angeles, San Francisco and Seattle contain no adverse information.



## Plaintiff's Exhibit No. 1—(Continued)

## 4. Interview.

TAM Suey Jin and her alleged two brothers were interrogated at this Office on March 3, 1953 by Vice Consul Burton Kitain. The testimony which was given under oath cast doubt on the claimed relationship. The applicant maintained that the two alleged brothers were, indeed, blood brothers to her and that they had the same father and mother. She knew nothing about her father; she could not remember when he was last in China though she was about 12 years of age at the time; she does not live with her alleged brothers in Hong Kong and does not know their address.

## V. Opinion:

TAM Suey Jin has not been identified as the daughter of an American citizen. In fact, all aspects of this case point to a fraudulent claim to citizenship. Her two identifying witnesses were alleged older brothers who have already been refused as not being persons they claim to be. There is absolutely no evidence of the claimed kinship. The applicant showed surprising ignorance of details of the family if, indeed, she is a member of such a group. It is, therefore, recommended that her passport application be refused.

/s/ Imogene E. Ellis,  
American Vice Consul

IEEllis/ew

Plaintiff's Exhibit No. 1—(Continued)

American Consulate General, Hong Kong

3/25/53

MEMORANDUM

Subject: Testimony taken in connection with Passport Application of TAM Suey Jin.

Persons Interviewed: Witnesses TAM Hem Wing (bro.), TAM Hem Fook (bro.).

Examiner: Burton Kitain.

1. Testimony of TAM Suey Jin. (Interpreter: Mrs. Annie Chiu.)

This person, after being placed under oath to tell the truth by a duly commissioned and qualified consular officer, testified as follows:

Q. What is your name?

A. Tam (Hom) Suey Jin—no others.

Q. In what dialect are you testifying?

A. Toishan.

Examiner to applicant: If you do not understand any of the questions put to you in this interview or if you have difficulty in understanding the interpreter, you must inform me of the fact at once during the course of the interview. Do you understand?

A. Yes.

Q. Do you have any additional evidence in support of your passport application which you wish to present at this time?      A. No.

Q1. When was the last time you saw your father?

A. I do not remember when; it was in the vil-

## Plaintiff's Exhibit No. 1—(Continued)

lage; I was too young; I was never told. (Note: Father claims last trip 1947-48.)

Q2. When did your mother die?

A. I do not remember.

Q3. Was she in the house when she died?

A. Yes. I was present.

Q4. Was she ill before she died?

A. Yes, but I don't know whether it was for an hour or for a month. It was not a year.

Q5. Was anybody else in the house when she died?

A. Two brothers and neighbor "Aunt" Lim—that's all I remember.

Q6. Have you been living with your brothers here in HK?

A. I have been living with them up to recently; then the two of them moved back to HK a short time ago—Last year, 6th month or moon. I live at 29 Shik Yik Mee village, Sui San Rd., Kowloon since last year, 6th month or moon; when I first came last year, 3rd moon, I joined my brothers who were living at the Loon Hing Sing Co., 31 Wing Wo St., HK. They moved over to Kowloon with me but didn't like the place so they sent away; I don't know where they're living now.

Q7. How did you get in touch with them?

A. They were waiting for me at the corner of Wing Wo St. when I came to meet them to go to the Consulate. (Note: C/L went to Wing Wo St. address.)

Q8. Why did you move to Kowloon?



Plaintiff's Exhibit No. 1—(Continued)

A. This "Aunt" Lim told me to go to live with her sister; she sent a letter out to us about the 5th moon of last year and told us to go to live with her sister.

Q9. What relation is this "Aunt" Lim to you?

A. No relation; just a fellow villager; she thought I would be better off; at that time I was sharing a loft with my two brothers.

Q10. Have you ever taken any pictures with your father?      A. No.

Q11. Have you ever received any letters from your father?

A. No, he only sends them to my brothers.

Q12. Did you attend your father's 2nd wedding?

A. No, he married in HK.

Q13. Have you ever made any previous trips to HK?      A. No.

Q14. Do you swear that both of the witnesses are your blood brothers; sons of the same person you claim to be your father?      A. Yes.

Q15. Do you care to make a true statement of the identity of these persons?

A. They are my brothers.

Q16. What is the name of your true father?

A. TAM (HOM) Tong Gong, no other names that I know of.

Testimony of TAM Hem Wing. (Interpreter: Mrs. Eleanor Ng.)

This person, after being placed under oath to tell

Plaintiff's Exhibit No. 1—(Continued)  
the truth by a duly commissioned and qualified consular officer, testified as follows:

Q. What is your name?

A. TAM (HEM) Wing—no other names.

Q. What is your relationship to TAM Suey Jin?

A. I'm her second brother.

Q. In what dialect are you testifying?

A. Toishan.

Examiner's instruction: If you do not understand any of the questions put to you in this interview or if you have difficulty in understanding the interpreter, you must inform me of the fact at once during the course of the interview. Do you understand?

A. Yes.

Examiner's Note: This person was thereupon questioned concerning matters discussed in the testimony recorded above, and his replies were in substantial agreement with the exception of the following discrepancies:

Q. Have you ever been known as TAM Wing Fook?      A. No.

Q. Have you ever known a person by the name of TAM Chan Lim?      A. No.

Note: Applicant was again queried about Q6. and stated that she and two brothers moved to Kowloon in the CR41-6—the brothers remained until end of CR 41-6 and then moved back and have been living here ever since. First witness says that they moved from Kowloon to HK on Mar. 19, 1953. Ap-

## Plaintiff's Exhibit No. 1—(Continued)

plicant says aunt took her to meeting place this morning—first witness agrees.

Testimony of TAM Hem Fook. (Interpreter: Mrs. Elsie Lum.)

This person, after being placed under oath to tell the truth by a duly commissioned and qualified consular officer, testified as follows:

Q. What is your name?

A. TAM (HOM) Hem Fook—no other names.

Q. What is your relationship to TAM Suey Jin?

A. I'm her third elder brother.

Q. In what dialect are you testifying?

A. Toishan.

Examiner's instruction: If you do not understand any of the questions put to you in this interview or if you have difficulty in understanding the interpreter, you must inform me of the fact at once during the course of the interview. Do you understand? A. Yes.

Examiner's Note: This person was thereupon questioned concerning matters discussed in the testimony recorded above, and his replies were in substantial agreement with the exception of the following discrepancies:

Q. Have you ever heard of TAM Chan Lim?

A. No.

Q. Have you ever heard of TAM Wing Fook?

A. No such person.

Q6. (Same story as first witness.)

Note: Second witness when confronted with the

Plaintiff's Exhibit No. 1—(Continued)  
discrepancy in Q6. insists that he and first witness moved to HK only this year.

Q. Do any of you have any further statements to make?      A. No.

Note: First witness repeats statement that they moved to Kowloon beginning of CR 41-6 and he and second witness moved back on Mar. 19, 1953. No explanation for the discrepancy.

/s/ [Chinese characters]  
TAM SUEY JIN

/s/ [Chinese characters]  
TAM HEM WING

/s/ [Chinese Characters]  
TAM HEM FOOK

/s/ B. KITAIN, Examiner

Attachment to Memorandum of Testimony in the  
Citizenship case of TAM Suey Jin, 3/25/53.

#### Certificate of Examiner

It appearing that the above-named claimant(s) and the witnesses in this case could not understand or intelligently testify in the English language and did well understand the Chinese language, the dialect of Toishan District, Kwangtung Province, the following persons, who also well understand that language, were employed as interpreters: Mrs. Annie Chiu, Mrs. Eleanor Ng, Mrs. Elsie Lum. These persons are official interpreters on the staff of the American Consulate General at Hong Kong.

## Plaintiff's Exhibit No. 1—(Continued)

I certify that the preceding record of testimony in the above-cited case was taken down by me on the typewriter during the course of the interviews and is an accurate representation of questions put by me in English and of responses given in Chinese as interpreted into English by the above-named interpreters.

/s/ B. Kitain, Vice Consul

## Certificate of Interpreter

I certify that I know the English language and the Chinese language, dialect of Toishan District, Kwangtung, and that I have truly and impartially interpreted the questions put to TAM Suey Jin by the above-named examiner on this date, out of the English language into the Chinese of the dialect mentioned and that I have truly and impartially interpreted the answers of said person thereto out of the Chinese into the English language.

/s/ Annie Chiu, Interpreter

## Certificate of Interpreter

I certify that I know the English language and the Chinese language, dialect of Toishan District, Kwangtung, and that I have truly and impartially interpreted the questions put to TAM Hem Wing by the above-named examiner on this date, out of the English language into the Chinese of the dialect mentioned and that I have truly and impartially interpreted the answers of said person thereto out of the Chinese into the English language.

/s/ Eleanor Ng, Interpreter

## Plaintiff's Exhibit No. 1—(Continued)

## Certificate of Interpreter

I certify that I know the English language and the Chinese language, dialect of Toishan District, Kwangtung, and that I have truly and impartially interpreted the questions put to TAM Hem Fook by the above-named examiner on this date, out of the English language into the Chinese of the dialect mentioned and that I have truly and impartially interpreted the answers of said person thereto out of the Chinese into the English language.

/s/ Elsie Lum, Interpreter

## Case of TAM Suey Jin

[Photograph attached]

Certified to be true likeness of TAM Hem Wing (alleged brother) witness in the above named case.

/s/ B. Kitain, Examiner

[Photograph attached]

Certified to be a true likeness of TAM Hem Fook (alleged bro.) witness in the above named case.

/s/ B. Kitain, Examiner



Plaintiff's Exhibit No. 1—(Continued)

West Coast Medical Laboratories, Inc., Chemists,  
Bacteriologists, 610 So. Broadway, Los Angeles  
14, California.

U. S. Department of Immigration

Laboratory Report

Patient: TAM Tong Gong; specimen: Venous  
Blood; examination: Parentage. Date: Apr. 15,  
1954.

Blood Group: "A"

MN Factors: "M" positive; "N" negative.

MN Type: Type "M"

/s/ By [Illegible], M.D.

[Stamped] Consulate General of the United States  
of America, Apr. 27, 1954, Hong Kong.

University of Hong Kong  
Office of the Vice Chancellor

26th March, 1953

Tam Suey Jin, Tam Hem Wing, Tam Hem Fook.

It is possible for these three applicants to be  
blood brothers and sister of the following matings:  
Group "A" with Group "O", "A" or "B" and Type  
"MN" with Type "M" or "MN".

Neither parent may belong to Group "AB" nor  
can either be Type "N".

/s/ L. T. Ride,  
M.A., D.M., M.R.C.S., L.R.C.P., Vice Chancellor of  
the University of Hong Kong.

Plaintiff's Exhibit No. 1—(Continued)  
The Foreign Service of the United States of  
America

American Consulate General, Hong Kong,  
March 25, 1953

Dr. L. T. Ride, Hong Kong University, Hong Kong

Dear Dr. Ride:

Please blood type the persons described below and whose photographs are affixed under seal, indicating your findings in the appropriate spaces. The expenses incurred by this examination are to be borne by the examinees.

Very truly yours,

/s/ W. J. Orndorff,  
American Vice Consul

1. Name: TAM Suey-Jin; height: 4 ft. 10 inches; relationship: sister; weight, 72 lbs.

Blood Group: "A"; Blood Type (MN): M pos.  
N pos.

2. Name: TAM Hem-wing; height: 5 ft. 6¼ inches; relationship: brother; weight: 132 lbs.

Blood Group: "O"; Blood Type (MN): M pos.  
N neg.

3. Name: TAM Hem-fook; height: 5 ft. 5½ inches; relationship: brother; weight: 103 lbs.

Blood Group: "A"; Blood Type (MN): M pos.  
N pos.

[Three photographs attached.]

26th March, 1953.

Plaintiff's Exhibit No. 1—(Continued)

I certify that on this date I have examined for blood type the persons who are described above and whose photographs are affixed under seal, and that the results recorded above are true and correct.

/s/ L. T. Ride,

M.A., D.M., B.C.L., M.R.C.S., L.R.C.P., Vice Chancellor of Hong Kong University.

Dr. Ernest To, Dr. H. K. B. Armstrong  
114/115 Edinburgh House (1st Floor)

Your Reference: 221 TAM Suey-jin.

30th March 1953

[Stamped]: Consulate General of the United States  
of America, Mar. 30, 1953, Hong Kong.

Name: TAM Suey Jin (F)\* Estimation of age.

Alleged Age: 11 years 11 months. Born: April 28,  
1941.

Personal History

Country or Town bred: Country—Toishan. Home conditions: Good.

Occupation: Idle since leaving school a year ago.

Outdoor Sports: None.

Previous illnesses: None.

Position, with date, of last tooth to erupt: Cannot remember.

Any additional information: Parents of medium stature.

## Plaintiff's Exhibit No. 1—(Continued)

## Clinical Examination

Height: 57½". Weight: 73 lbs. Physique: Poor.

Body proportions: (a) upper segment 28½"; (b) lower segment 29"; span 57½".

No obvious external physical defect.

No clinical evidence of any debilitating disease.

## Dental Development

Condition of teeth: No crowding.

No. Teeth (a) upper jaw: 14; (b) lower jaw: 14.

Stage of eruption: 2nd molar erupted fully.

Dental Radiological findings: 2nd molar roots not fully formed. Crown of 3rd molar forming.

## Sexual Development

Voice: Childish. Hirsutism: none. Hair: (a) Pubic none; (b) Axillary none; (c) Chest none.

(b) Females:

External Genitals: Juvenile.

Breasts: Mammary bud not yet formed (juvenile state).

## Osseous Development

(Radiological Estimation): Radiographs No. K 33.

Acromion not appeared (15 for male).

Sesamoid bone of thumb appeared (14 for male).

Olecranon appeared (11 for male).

Pisiform bone appeared (12 for male).

Estimated Age: 14 years for male, but since ossification takes place 1-3 years earlier in the female, subject's age would be about 11-13 years.

Plaintiff's Exhibit No. 1—(Continued)

3285, 315. Conclusions

Apparent Age: 11-12 years.

Sexual Development: under 11 years.

Dental Development: about 13 years.

Osseous Development: 11-13 years.

Her developmental age is 11-13 years. Since the clinical examination suggests that the developmental age may be expected to be less than the actual age, we estimate her to be about 13 years of age. However it would be difficult, if not impossible on clinical grounds alone, to disprove that she is not the age claimed.

/s/ H. K. B. Armstrong,  
L.R.C.P., L.R.C.S. (Edin.)

/s/ Ernest To, M.B., B.S.

Dr. Ernest To, Dr. H. K. B. Armstrong  
114/115 Edinburgh House (1st Floor)

Your Reference: 221 TAM Suey-jin.

30th March 1953

[Stamped]: Consulate General of the United States  
of America, Mar. 30, 1953, Hong Kong.

Name: TAM HEM WING\* Estimation of Age.

Alleged Age: 23 years 3 months. Born: December  
18, 1929.

Personal History

Country or Town bred: Country—Toishan. Home  
conditions: Good.

## Plaintiff's Exhibit No. 1—(Continued)

Occupation: Chinese cook for past four years.

Outdoor Sports: None.

Previous illnesses: None.

Position, with date, of last tooth to erupt: cannot remember.

Any additional information: Parents of medium stature.

## Clinical Examination

Height: 65½". Weight: 134 lbs. Physique: Good.

Body proportions: (a) upper segment 32½"; (b) lower segment 32½"; span 67".

No obvious external physical defect.

No clinical evidence of any debilitating disease.

## Dental Development

Condition of teeth: Good—no crowding.

No. Teeth (a) upper jaw: 16; (b) lower jaw: 16.

Stage of eruption: 3rd molar erupted.

Dental Radiological findings: 3rd molar roots calcified.

## Sexual Development

Voice: Adult. Hirsutism: moderate degree. Hair: (a) Pubic abundant; (b) Axillary abundant; (c) Chest abundant. Pubic hair abundant and spreading upwards.

(2) Males: External Genital: Adult proportions. Testes: (a) size moderate; (b) Consistency: crepe-rubber.

## Osseous Development

(Radiological Estimation): Radiographs No. K 31.

Medial end of clavicle almost fused (25).



Plaintiff's Exhibit No. 1—(Continued)

Lower end of radius fused (20).

Crest of ilium and ischial tuberosity fused (20-25).

Estimated Age: 24-25 years.

Conclusions

Apparent Age: Mid twenties.

Sexual Development: 21 years and upwards.

Dental Development: 23 years or more.

Osseous Development: 24-25 years.

His development age is 24-25 years. Since the clinical examination suggests that the developmental age may be expected to approximate or even exceed the actual age, we estimate him to be 23-24 years of age. Therefore in our opinion he could have been born on the date claimed.

/s/ H. K. B. Armstrong,  
L.R.C.P., L.R.C.S. (Edin.)  
/s/ Ernest To, M.B., B.S.

Dr. Ernest To, Dr. H. K. B. Armstrong  
114/115 Edinburgh House (1st Floor)

Your Reference: 221 TAM Suey-jin.

27th March 1953

[Stamped]: Consulate General of the United States  
of America, Mar. 27, 1953, Hong Kong.

Name: Tam Hem Fook \* Estimation of Age.

Alleged Age: 21 years 11 months. Born: April  
22, 1931.

## Plaintiff's Exhibit No. 1—(Continued)

## Personal History

Country or Town bred: Country—Toishan. Home conditions: Good.

Occupation: Idle since leaving school five years ago.

Outdoor Sports: Swimming.

Previous illnesses: None.

Position, with date, of last tooth to erupt: Cannot remember.

Any additional information: Parents of medium stature.

## Clinical Examination

Height: 65". Weight: 100 lbs. Physique: Poor. Body proportions: (a) upper segment  $32\frac{1}{2}$ "; (b) lower segment  $32\frac{1}{2}$ "; span  $67\frac{1}{2}$ ".

No obvious external physical defect.

No clinical evidence of any debilitating disease.

## Dental Development

Condition of teeth: Minor crowding in lower jaw. No. Teeth (a) upper jaw: 14; (b) lower jaw: 14. Stage of eruption: 3rd molar not seen.

Dental Radiological findings: Roots of the unerupted 3rd molar are not yet fully calcified.

## Sexual Development

Voice: Adult. Hirsutism: none. Hair: (a) Pubic moderate; (b) Axillary scanty; (c) Chest none.

(a) Males: External Genitals: adult proportions. Testes: (a) size moderate; (b) Consistency: crepe-rubber.

Plaintiff's Exhibit No. 1—(Continued)

Osseous Development

(Radiological Estimation): Radiographs No. K 32.

Medial end of clavicle not appeared (21).

Lower end of radius fused (20).

Crest of ilium and ischial tuberosity fused (20-25).

Estimated Age: About 20 years.

Conclusions

Apparent Age: Late teens, early twenties.

Sexual Development: 21 years and upwards.

Dental Development: Over 20 years and under 24 years.

Osseous Development: About 20 years.

His developmental age is over 20 years but under 23. Since the clinical examination suggests that the developmental age may be expected to be less than the actual age, we estimate him to be about 21-22 years of age. Therefore in our opinion he could have been born on the date claimed.

/s/ H. K. B. Armstrong,  
L.R.C.P., L.R.C.S. (Edin.)

/s/ Ernest To, M.B., B.S.

## Plaintiff's Exhibit No. 1—(Continued)

Air Mail

March 15, 1954 7030/3418

[Stamped]: Consulate General of the United States  
of America, Mar. 22, 1954, Hong Kong.

The Honorable American Consul General  
American Consulate General  
Hong Kong, B.C.C.

Dear Sir:

Please refer to your letter of March 3, 1954, in which it is requested that this office furnish a report as to the citizenship and family status of Tam (Hom) Tong Gong for use in considering the United States citizenship claim of his alleged son, Tam Suey Jing, born April 28, 1941. The following is a complete resume of pertinent material contained in our file, including summarized transcripts of essential testimony.

Tom Tong Gong first came to the attention of this office on May 17, 1923, at which time he arrived on the SS President Jefferson and applied for admission as a citizen of the United States. He was accorded hearing before a Board of Special Inquiry on May 23, 1923.

During the course of the hearing the subject testified that his name was Tom Tong Gong (Jui Song) and that he was a member of the Hom family. He alleged that he was born 17-5-KS 29 (June 12, 1903) and that the name of his father was Tom Hong Get (Yick Moon). His mother was listed as Lee Shee, 49 years old, bound foot woman from Woon Bin Village. He alleged that he had

## Plaintiff's Exhibit No. 1—(Continued)

three brothers, as follows: Chuk Gong (Yui Foo), 30 years of age, married to Fong Shee, natural foot woman, and father of one son, Chin Fook, 10 years old; Yim Gong (Yuen Gay), 25 years old, married to Fong Shee, natural foot woman, and the father of one son, Yim Soo, 6 years old; and Pok Gong, married to Lee Shee, natural foot woman, and father of one son, Him En, born 23-2-R11. The applicant stated that he was married to Lee Shee, natural foot woman from Hong Hing Lee village on 3-3-R9. He indicated that he was the father of one son, Him Poy, born 24-3-R10.

The paternal grandparents of the subject were listed as Hoy Sheuk, deceased ten years previously, buried in Gut San Hill, and Lim Shee, natural foot woman, deceased nine years previously. The maternal grandparents were described as Sin Gong, deceased, and Lim Shee, deceased. The applicant's father allegedly had two brothers, Ham Hong Wing, residing in San Francisco who was married to Lee Shee, bound foot woman and the father of two sons, Seuk King, 13 years of age, and Look King, 11 years old; and Om Yon Goon, residing in San Francisco, 45 years of age, married to Lee Shee, bound foot woman, and the father of two sons, Seung Hen, 17 years old, and Pok Hen, 16 years old. It was alleged that the applicant's mother did not have any brothers or sisters.

The Long Hong Wee village was described as being composed of about 30 houses with 7 rows facing south. The family home was reportedly the first



## Plaintiff's Exhibit No. 1—(Continued)

house in the first row from the west and was a regular 5-room Chinese house. There was allegedly a fish pond in the front of the village and there was no wall around the village. The village secured their water from a community well located on the east side of the village. The family allegedly patronized a market in the Sun Ning City located 6-7 li west of the home village. The applicant later testified that the village faced north, rather than south.

The subject was accompanied to the United States by his brother Tom Pok Gong, who stated that he was born 8-8-KS 30 in the Long Hong Village. He stated that he was married; that his marriage name was Yuey Toon; that his wife's name was Lee Shee, natural foot woman from Sai Hong Lee village to whom he was married on 4-4-R10. He alleged that he was the father of one son, Him En, born 23-2-R11. He furnished information concerning the village which corroborated the testimony given by the subject of your correspondence.

Following the hearing decision on the application was deferred pending an investigation at New York. On June 4, 1923, Tam Hong Ket (Get) appeared at the New York office as a witness in behalf of his sons. He stated that he was married, that his marriage name was Yik Moon. He testified that he was born in San Francisco, California, and was 50 years of age. He was in possession of certified copy of a court record discharging Tam Hong Get on September 26, 1896.

The father of the applicant furnished substanti-



## Plaintiff's Exhibit No. 1—(Continued)

ally the same as that furnished by the applicant and on June 18, 1923, the Board of Special Inquiry in the case of the applicant and his brother was reconvened and both applicants were admitted as citizens of the United States. Certificate of Identity 47044 was issued in behalf of the subject on June 21, 1923.

Tam (Hom) Tong Gong departed from the United States on Dec. 29, 1928, from the Port of Seattle, Washington, on the SS Pres. Grant. He was in possession of Form 430 issued by the District Office of this Service at New York. In a sworn statement made at the New York office on October 19, 1928, subject stated that he was married to Lee She on CR 9-3-3 (April 21, 1920), at the Long Hung Village, China. He stated that he was the father of one son, Tam Toy, 7 years old.

On December 29, 1931, the subject returned to the United States at Seattle, Washington, ex SS President Madison, and was admitted as a citizen of the United States. He testified at that time that he was married one time only to Lee Shee and was the father of three sons. He stated that he had previously registered one son with this Service and furnished the names of the following sons: Heong Wen, born R18-11-18 and Heong Fook, born R20-3-5.

This office has been unable to locate any additional record of entry or departure which may be identified as pertaining to the subject of your correspondence.

## Plaintiff's Exhibit No. 1—(Continued)

Our files indicate that on April 2, 1948, the Department of State requested information from our files in the case of the subject. The requested report was forwarded on May 13, 1948.

Seattle file 7030/10095 pertains to Tom Lim Gong, brother of the subject who was admitted to the United States as a citizen of the United States on April 20, 1938 at San Francisco, California.

Seattle file 7030/1719 covers Tam Pok Gong, an alleged brother of the subject who was admitted to the United States the same time as Tom Tong Gong.

Respectfully,

JOHN P. BOYD,

District Director Seattle District

Re: Tam Suey Jin

Applicant for Passport to Proceed to the United States as a citizen thereof under the provisions of State Department Regulation entitled "Passport for and Registration of American Citizens in Foreign Countries", dated April 17, 1945.

[Stamped]: Consulate General of the United States of America, May 5, 1952, Hong Kong.

## AFFIDAVIT

State of California,  
County of Los Angeles—ss.

Tam (Hom) Tong Gong, being duly sworn, deposes and says:

## Plaintiff's Exhibit No. 1—(Continued)

That he is a citizen of the United States, Section 1993, holding Certificate of Identity No. 47044 issued to him at Seattle, Washington on June 20, 1923, showing his admission at Seattle, Washington as son of native, ex SS President Jefferson on May 17, 1923, file No. 41375/12-29 (Seattle file No. 7030/3418).

That affiant was born on October 5, 1903 (KS 29-8-15) at Lung Hong Village [Chinese characters] Toi Shan, China.

That affiant has made three trips to China, as follows:

Departed from Seattle on October 28, 1928, on SS President Grant.

Returned to Seattle on December 29, 1931, on SS President Madison.

Departed from San Pedro on April 8, 1940, on SS President Coolidge.

Returned to San Pedro on August 1, 1941, on SS President Pierce.

Departed from San Francisco on July 30, 1947, on SS Gen. Meigs.

Returned to Los Angeles on March 22, 1949, on Pan American Airlines.

That affiant was married two times only. That affiant's first marriage was to Lee Shee [Chinese characters] on April 21, 1920 (CR 9-3-3) at Lung Hong Village, Toi Shan, China. That said Lee Shee was born at Tung Hing [Chinese characters] Village, Toi Shan. That said Lee Shee died on August 8, 1947 (CR 36-6-22) in Chew Wah Village.

## Plaintiff's Exhibit No. 1—(Continued)

[Chinese characters] That affiant and said Lee Shee have four children, as follows:

Tam Hem Toil [Chinese characters] Born April 11, 1921 (CR 10-3-4) at Lung Hong Village. Now missing, present address unknown.

Tam Hem Wing [Chinese characters] Born December 18, 1929, (CR 18-11-18) at Lung Hong Village and now residing in Hong Kong.

Tam Hem Fook [Chinese characters] Born April 22, 1931 (CR 20-3-5) at Lung Hong Village and now residing in Hong Kong.

Tam Suey Jin [Chinese characters] Born April 28, 1941 (CR 30-4-3) at Chew Wah Village and now residing in Hong Kong.

That affiant's second marriage was to Au Wei Jin [Chinese characters] on October 18, 1948, at Hong Kong, China; that said Au Wei Jin was born on August 22, 1920 (CR 9-7-9) at Canton, China; that said Au Wei Jin entered the United States at Los Angeles, California via Pan American Airlines on March 22, 1949.

That affiant's daughter, Tam Suey Jin, has never been married; that she has never been to the United States and it is affiant's desire to have his said daughter come to the United States and reside with affiant in Los Angeles, California; that affiant is willing and able to support his said daughter, Tam Suey Jin.

That under the provisions of Section 210 and 504 of the United States Nationality Act (54 Stats. 1137, 8 U.S.C. 907) his said daughter is a national and citizen of the United States at birth, and as

## Plaintiff's Exhibit No. 1—(Continued)

such, is applying for a permit to proceed to the United States and take up residence therein; that affiant is making this affidavit as the father of the aforesaid passport applicant, as provided by the State Department Regulation dated April 17, 1945, because no birth or baptismal certificates were made at the time of the birth of affiant's daughter, Tam Suey Jin, and are therefore not available for submission herewith.

That affiant desires to have said applicant apply for admission to the United States at Los Angeles (San Pedro) California because it is the port of entry nearest and most convenient to affiant's place of residence, namely, 935½ Towne Avenue, Los Angeles 15, California.

That the photographs attached hereto correctly represent affiant and his said daughter, Tam Suey Jin; that photograph No. "1" is of affiant and photograph No. "2" is affiant's said daughter, Tam Suey Jin.

/s/ Tam Tong Gong

[Photographs No. 1 and 2 attached]

Subscribed and sworn to before me this 12th day of November, 1951.

[Seal] /s/ Billy W. Lew,

Notary Public in and for the County of Los Angeles, State of California.

Verification of Tam Tong Gong photograph attached.

[Department of State certification of true copy attached]



## DEFENDANT'S EXHIBIT C

## Statement Regarding the Processing of Passport Applications at the American Consulate General in Hong Kong

When the American Consulate General at Canton, China, closed as a result of the advance of Chinese Communist Forces in August 1949, approximately 2,000 citizenship claims initiated at Canton between January 1, 1948, and August 15, 1949, were transferred to Hong Kong. These were claims in connection with which adequate evidence of the identity of the claimants had not been submitted up to the closing of the Consulate General at Canton, and which, accordingly, required detailed examination and interrogation of the applicants and available identifying witnesses. The heavy work of processing the claims forwarded from Canton was thus added to the normal work previously performed by the Consulate General at Hong Kong.

In order that the Hong Kong Consulate General, which was initially handicapped by lack of sufficient office space and living space for additional personnel in the overcrowded Colony, might cope with the increased workload, the Department took the following steps at once:

- (1) Procedures for processing cases were altered to provide for speedier action by resolving the doubt in a case in favor of the applicant whenever possible after a minimum of examination of the applicant and witnesses.



## Defendant's Exhibit C—(Continued)

(2) The staff at Hong Kong was increased as fast as possible in the light of the availability of qualified personnel, funds, and office and living space in the Colony.

During the period from September 1, 1949, to August 31, 1950, additional claims to American citizenship were presented at Hong Kong at the rate of 150 per month, or approximately 1800 for the year. It was not possible during that year to effect a net increase in the staff sufficient to process both the backlog of cases received from Canton and the new cases constantly accruing, in view of the incidence of statutory leave for personnel, necessary transfers of personnel to other Foreign Service posts, and the fact that sufficient office space could be made available only after July 1, 1950, when a new office building for the Consulate General was completed. Insofar as possible, claims were processed in the chronological order of their initiation; emergency cases, such as those of persons who were required to proceed to the United States prior to their sixteenth birthdays to retain American citizenship under the law then in effect, were, however, processed on a priority basis. The large number of such emergency cases requiring immediate processing resulted in further delay in non-emergency cases. Because of the unavoidable delays in processing, affecting a large number of cases, correspondence and other incidental clerical work necessarily increased to an abnormal degree. The processing of claims was hampered by the impossi-

## Defendant's Exhibit C—(Continued)

bility of checking statements as to residence, family circumstances, and actual names, or the validity of documents, on the mainland of China, where nearly all the claimants alleged that they were born and had resided up to the time of their sudden departure from their native villages for Hong Kong, following the advance of the Chinese Communist Army. Persons whose claims were fraudulent naturally took advantage of this situation to furnish as little "evidence" and as little information about themselves as possible. For the above reasons primarily, the backlog of pending cases had reached 3600 by September 1, 1950; in other words, it had been possible to complete action on only about 200 of these doubtful claims during the year. It must be noted, however, that during this year, 345 passports were issued to persons who established their identity and citizenship in the manner prescribed by the Foreign Service Regulations. The delayed cases were all cases in which it was necessary to try to obtain and evaluate secondary evidence of identity and citizenship, since the claimants were unable to submit the normal documentary evidence available elsewhere in the world, or presented documentary evidence the reliability or authenticity of which was questionable.

The situation at Hong Kong was so serious that, additional office and living space having become available, the Department in November 1950 assigned a Foreign Service Inspector, two Departmental employees, and fourteen members of the

## Defendant's Exhibit C—(Continued)

Foreign Service to Hong Kong, and authorized the employment of sufficient local alien personnel to serve as interpreters and give clerical assistance, to work on the backlog of pending citizenship claims in an effort to process them all at the earliest possible date, while continuing the work on the cases still coming in at the rate of approximately 150 per month.

By July 1, 1951, the backlog of pending claims antedating September 1, 1950 had been reduced to approximately 2100 cases, not all of which were "live", however, since in some 600 of them there was no means of communicating with the claimants because of inadequate addresses, or the claimants were detained on the mainland of China. Over 1000 claimants were documented with Travel Affidavits for travel to the United States. During this period, in addition, 550 passports were issued to persons who were properly identified and who possessed documentary evidence of their eligibility for passports as set forth in the Foreign Service Regulations. Between July 1, 1951 and July 1, 1952, 2609 cases were processed, of which 574 were refusals, 1878 approvals, and 157 were cases removed from the backlog for other reasons, such as abandonment of claims, death of claimants, or consolidation of cases of close relatives. Over 2500 claimants proceeded to the United States with travel affidavits provided by the Consulate General at Hong Kong. (Many "cases" involve several claimants, so that 1800 cases represent more than 2400 claimants.) In

## Defendant's Exhibit C—(Continued)

addition, 435 passports were issued to persons who established their eligibility therefore by the means set forth in the Foreign Service Regulations. Since July 1, 1952 the inflow of new claims has decreased to an average of only 25 per month, and the processing of claims at the Consulate General at Hong Kong has proceeded at a rate which has resulted in there being, as of December 1, 1953, only 806 active pending cases at that consular post.

The Department's review of the citizenship claims passed upon at Hong Kong convinced it that a large number of fraudulent claimants were proceeding to the United States with travel affidavits, because of the limited opportunity of the Consulate General to detect and eliminate fraud under the procedures in use since 1949. Accordingly, as of September 1, 1952, the travel-affidavit procedure was abandoned and all claimants to American citizenship are now required to qualify for passports. At the same time, more stringent examination and investigation procedures were authorized, including the blood-typing of claimants and their alleged parents.

The more detailed examination and investigation of claims, and the incidence of court actions requiring work on applications for certificates of identity under Section 503 of the Nationality Act of 1940, have slowed down the rate of processing claims to some extent. Nevertheless, during the period from July 1, 1952 to date, some 2000 claims have been processed. The backlog of pending claims was 806



## Defendant's Exhibit C—(Continued)

as of December 1, 1953, and all these claims are in some stage of processing. About 300 of these pending claims were initiated in 1953, so it will be observed that only about 500 pending claims are over a year old.

It must be emphasized that all cases which have been pending for more than six months are cases in which the identity of the claimants has not been established by adequate documentary evidence or by satisfactory testimony. Claims which are supported by adequate evidence of identity and citizenship are completed within a short time.

In connection with complaints regarding delay in processing citizenship claims at Hong Kong, it may be pointed out that such delay is fundamentally caused by the fact that persons of Chinese origin who present their citizenship claims at that post do not, in the vast majority of cases, present evidence of their identity such as claimants at virtually all other consular offices in the world are able to submit and do submit upon request. In addition, the complainants have not taken into consideration two further controlling factors, time and space.

Experience has shown that no more than two cases a day can be scheduled per examiner. This allows a maximum of four hours per case for the execution of the passport application and accompanying affidavit, the evaluation of the evidence submitted, the interview with the applicant and his identifying witness or witnesses through an interpreter, and the preparation of the transcript of

## Defendant's Exhibit C—(Continued)

testimony and written report by the examiner. While some of these operations may be performed simultaneously and others need not be performed at the time of the interrogation of the applicant, a minimum average time of four hours is, nevertheless, required per case. With approximately 20 working days per month and an average of eight examiners, a theoretical maximum of 3840 cases a year could be scheduled for interviews. Actually, this figure was not attained during 1951 when every effort was bent toward maximum scheduling and minimum examination. Applicants fail to appear for their appointments, or appear without witnesses, necessitating rescheduling at a later date, and many cases cannot be completed within the theoretical 4-hour limit. Nevertheless, 2986 cases were completed in 1951, representing at least 3200 interviews.

If the Department were in command of unlimited funds, which it is not, and if qualified citizenship examiners were available in unlimited quantity, which they are not, it would still be impossible to solve the processing problem by the apparently easy method of doubling, tripling, or quadrupling the number of examiners, since space is not unlimited in Hong Kong, and such space as is available is not elastic. Each case requires, in addition to a proportion of the time of file clerks, correspondence clerks, etc., the services of one citizenship examiner, one interpreter (since neither applicants nor witnesses speak or understand English as a rule), and



## Defendant's Exhibit C—(Continued)

one typist. Each applicant generally has at least one identifying witness, and is encouraged to present all available relatives, so that his identify as a member of the family group may be established, if possible. Accordingly, for each case handled, space must be provided for a minimum of five persons. With eight examiners on duty, space for a minimum of 40 persons must be provided. As a matter of fact, during 1951, the two Departmental representatives observed at Hong Kong that space for 100 to 150 persons besides the citizenship staff must be provided for daily. Doubling, tripling or quadrupling the staff of examiners would, obviously, require the virtual doubling, tripling, or quadrupling of the necessary space, and such extensive space is simply not available.

Many changes in the procedure for processing citizenship claims at the American Consulate General at Hong Kong have been made since 1949, as experience has dictated, but in its general outlines the procedure has conformed to that now in effect.

The procedure for endeavoring to determine the identity of passport applicants at Hong Kong is no different in general from that employed at any other consular post when persons who have not previously been documented as American nationals or even asserted a claim to American nationality at any American diplomatic or consular establishment abroad apply for passports or for registration as American nationals. An American consular of-

## Defendant's Exhibit C—(Continued)

ficer, acting for the Department, may use any reasonable means consistent with the Department's instructions to assure himself and the Department of the identity of a person who applies for documentation as an American national. The nature of the evidence of identity asked for by the Consulate General at Hong Kong may differ in some respects from that demanded at other consular posts where different circumstances prevail. For example, most applicants at Hong Kong are comparatively recent arrivals in the Colony, having come there since 1949 or 1950 from Communist-held China. They are unable or unwilling to submit the usual formal evidence of identity available to applicants elsewhere in the world. Such documents of Chinese origin as are available, purporting to attest to their identity, are not susceptible of verification as to authenticity or as to the accuracy of the information set forth, since the mainland of China is "closed" to the United States under present conditions. As indicated previously, it is impossible to check in the area from which the applicants purport to come, statements as to residence, family circumstances, actual names of applicants, or the validity of such documents as are presented. In addition, formal, official vital statistics records (birth, marriage, divorce, and death records), such as are normally kept in other countries, are lacking in China. Consequently, informal and unofficial evidence of such matters must be obtained, if possible. Persons whose claims are fraudulent, as previously stated, take ad-

## Defendant's Exhibit C—(Continued)

vantage of this situation and furnish as a little "evidence" and as little information about themselves as possible, thus hampering such investigation as may be feasible at Hong Kong and elsewhere. It may be stated that the Consulate General at Hong Kong obtains information from the records of the Immigration and Naturalization Service as indicated below, a procedure not usual at other consular posts, since the Immigration and Naturalization Service has records which are applicable in the cases presented at Hong Kong, and this is not true in general in regard to citizenship claims arising elsewhere in the world.

As soon as practicable after a citizenship claim is brought to the notice of the Consulate General by any means whatever, the claimant is called in to execute a passport application and an appropriate affidavit in connection therewith. If evidence of identity and citizenship such as has been found to be satisfactory in connection with the type of case presented at Hong Kong is not presented, the applicant is advised to obtain such evidence from his alleged father or other relative in the United States. In addition, the Consulate General endeavors to communicate at the earliest practicable date with the alleged father or other relative of the claimant in the United States who has sponsored the presentation of the claim, to ascertain whether such evidence can be submitted. If an American citizen, identifiable as such, is available to serve as an identifying witness, such person is permitted to

## Defendant's Exhibit C—(Continued)

execute the affidavit of identifying witness appearing on the passport application.

Coincidentally with the execution of the passport application if sufficient information is available, or as soon as practicable thereafter, a report is requested from the appropriate office of the Immigration and Naturalization Service as to the contents of the records of that Service regarding the alleged parent's entry into and departure from the United States, the children claimed by him, and documents which may have been issued by the Immigration and Naturalization Service; and transcripts of testimony previously taken at hearings held by the Immigration and Naturalization Service in the United States are requested, in order that this information may be available at the time the applicant is scheduled for an interview with his available witnesses at Hong Kong.

Cases in which the initial examiner believes that investigation at Hong Kong or in the United States prior to the interview is essential are referred for investigation.

As soon as practicable, the applicant is scheduled for an interview with his available witnesses, unless such interview is considered unnecessary in view of the nature of the documentary evidence submitted. It is not possible to schedule immediate interviews in all cases, and it is undesirable in most cases that immediate interviews be scheduled, since the necessary investigation requires time for its completion. Occasionally, the results of the interview indicate



## Defendant's Exhibit C—(Continued)

the necessity or the desirability of further investigation, which is then conducted. At the opportune time, the blood types of the applicants and the alleged brothers, sisters, and parents who may be available are ascertained as a routine procedure, with the consent of the persons involved.

When an applicant's claim to American citizenship has been investigated at Hong Kong as thoroughly as possible and the applicant has been interviewed to the extent necessary with such witnesses as may be available, his case is presented by the Consulate General to the Department for a decision as to whether a passport may be issued to him for his proposed travel to the United States.

[Department of State certification of true copy attached.]

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[Endorsed]: No. 14947. United States Court of Appeals for the Ninth Circuit. John Foster Dulles, as Secretary of State, Appellant, vs. Tam Suey Jin, Appellee. Transcript of Record. Appeal from the United States District Court for the Southern District of California, Central Division.

Filed: November 17, 1955.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the Ninth Circuit.

In the United States Court of Appeals  
for the Ninth Circuit

No. 14947

JOHN FOSTER DULLES, as United States Sec-  
retary of State, Appellant,

vs.

TAM SUEY JIN, Appellee.

### APPELLANT'S STATEMENT OF POINTS

The appellant hereby designates the following Points on Appeal in the above entitled matter:

(1) The District Court was without jurisdiction to declare appellee a national or citizen of the United States, since appellee was not denied a right or privilege as a national of the United States upon the ground that she was not a national of the United States prior to the repeal of Section 503 of the Nationality Act of 1940.

(2) The District Court erred in denying appellant's Motion to Dismiss for lack of jurisdiction over the subject matter and for failure to state a claim upon which relief can be granted.

(3) The District Court erred in its Finding of Fact Number IV.

Dated: This 28th day of November, 1955.

LAUGHLIN E. WATERS,  
United States Attorney



MAX F. DEUTZ,  
Assistant U. S. Attorney, Chief  
of Civil Division

/s/ JAMES R. DOOLEY,  
Assistant U. S. Attorney,  
Attorneys for Appellant

Affidavit of Service by Mail attached.

[Endorsed]: Filed November 29, 1955. Paul P.  
O'Brien, Clerk.

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[Title of U. S. Court of Appeals and Cause.]

#### APPELLANT'S DESIGNATION OF RECORD

Appellant hereby designates the following Record  
to be printed in the above entitled matter:

1. Petition to Establish Nationality of the United States;
2. Answer;
3. Motion to Dismiss;
4. Affidavit of James R. Dooley (Exhibit A to Motion to Dismiss);
5. Minutes of the Court for June 2, 1955;
6. Findings of Fact and Conclusions of Law;
7. Judgment Determining American Citizenship;
8. Notice of Appeal;
9. Stipulation Regarding Exhibits;
10. Appellant's Designation of Record to be Printed;
11. Appellant's Statement of Points on Appeal;

12. Plaintiff's Exhibit 1;
13. Defendant's Exhibit C;
14. The following portions of the typewritten transcript: Page 6 lines 8-25; page 7 lines 1-2; page 73 lines 24-25; page 74 lines 1-25; page 75 lines 1-22.

Counsel for the parties have stipulated, subject to the approval of the Court, that the exhibits received in evidence might be considered in their original form and need not be printed; however, appellant has designated for printing plaintiff's Exhibit 1 and Defendant's Exhibit C, since appellant's brief will frequently refer to these two exhibits.

Dated: This 28th day of November, 1955.

LAUGHLIN E. WATERS,  
United States Attorney

MAX F. DEUTZ,  
Assistant U. S. Attorney, Chief  
of Civil Division

/s/ JAMES R. DOOLEY,  
Assistant U. S. Attorney,  
Attorneys for Appellant

Affidavit of Service by Mail attached.

[Endorsed]: Filed November 29, 1955. Paul P. O'Brien, Clerk.